

**MISC 12 0174**

**Supreme Court of the State of New York  
Appellate Division: Second Judicial Department**

M132138  
E/ct

WILLIAM F. MASTRO, A.P.J.  
REINALDO E. RIVERA  
PETER B. SKELOS  
MARK C. DILLON  
DANIEL D. ANGIOLILLO, JJ.

**COGAN, J.**

2010-02793

DECISION & ORDER ON MOTION

In the Matter of Michael Levitis,  
an attorney and counselor-at-law.

Grievance Committee for the Second,  
Eleventh, and Thirteenth Judicial  
Districts, petitioner; Michael Levitis,  
respondent.

(Attorney Registration No. 3014172)

**FILED  
CLERK  
2012 MAR -7 AM 9:05  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK**

Motion by the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts to strike the respondent's name from the roll of attorneys and counselors-at-law based on his conviction in the United States District Court for the Eastern District of New York of making a false statement, in violation of 18 USC 1001(a)(2), a federal felony. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on January 12, 2000.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied; and it is further,

ORDERED that on the Court's own motion, the respondent, Michael Levitis, is immediately suspended from the practice of law pursuant to Judiciary Law § 90(4)(f) as a result of his conviction of a serious crime, continuing until further order of this Court; and it is further,

ORDERED that the respondent, Michael Levitis, shall promptly comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (22 NYCRR 691.10); and it is further.

January 24, 2012

MATTER OF LEVITIS, MICHAEL

Page 1.

ORDERED that pursuant to Judiciary Law § 90, during the period of suspension and until further order of this Court, the respondent, Michael Levitis, is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that on the Court's own motion, the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts is hereby authorized to institute and prosecute a disciplinary proceeding in this Court, as petitioner, against the respondent, Michael Levitis, based on his conviction of a serious crime; and it is further,

ORDERED that Diana M. Kearse, Chief Counsel to the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts, Renaissance Plaza, 335 Adams Street - Suite 2400, Brooklyn, N.Y. 11201, is hereby appointed as attorney for the petitioner in such proceeding; and it is further,

ORDERED that the petitioner Grievance Committee shall serve upon the respondent, Michael Levitis, and the Special Referee and file with this Court a petition within 30 days after receipt of a copy of this decision and order on motion; and it is further,

ORDERED that the respondent, Michael Levitis, shall serve an answer upon the petitioner and the Special Referee, and file the original answer with this Court within 20 days after service upon him of the petition; and it is further,

ORDERED that the issues raised by the petition and any answer thereto are referred to David I. Ferber, Ferber, Chan, Essner & Coller, LLP, 530 Fifth Avenue, 23rd Floor, New York, N.Y. 10036, as Special Referee to hear and report, together with his findings on the issues, and to submit a report within 60 days after the conclusion of the hearing or the submission of post-hearing memoranda.

MASTRO, A.P.J., RIVERA, SKELOS, DILLON and ANGIOLILLO, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court